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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,133	05/30/2000	Lane W. Lee	M-8377 US	1855

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EXAMINER

WASSUM, LUKE S

ART UNIT PAPER NUMBER

2177

DATE MAILED: 05/13/2004

26

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/583,133

Applicant(s)

LEE ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-9, 20 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9, 20 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 April 2004 has been entered.

### *Response to Amendment*

2. The Applicants' amendment, filed 8 March 2004, has been received, entered into the record, and considered.

3. As a result of the amendment, claims 2 and 20 have been amended. Claims 1, 10-19, 21-23 and 27-35 have been previously canceled. Claims 2-9, 20 and 24-26 remain pending in the application.

### *The Invention*

4. The claimed invention is for a method of managing information on a Write-Once Read-Many (WORM) optical storage device, such that the capability to add, delete and modify the file system objects is emulated, even though information cannot be physically erased from the storage media.

*Change of Address*

5. The Applicants' Change of Address, filed 27 February 2004, is acknowledged.

*Drawings*

6. The corrected formal drawings, filed 8 March 2004, have been received and entered into the record. The drawings are approved.

*Specification*

7. The Applicants have incorporated by reference co-pending applications 09/583,448 and 539,841 at page 1, first paragraph. The examiner notes that incorporation by reference of an application in a printed United States Patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access of the original disclosure of the application be granted. The incorporation by reference will be interpreted as a waiver of confidentiality of only the original disclosure as filed, and not the entire application file. See *In re Gallo*, 231 USPQ 496 (Comm'r Pat. 1986).

If the Applicants object to access to the entire application file, two copies of the information incorporated by reference must be submitted along with the objection. Failure to provide the material within the period provided will result in the entire application (including prosecution) being made available to petitioner. The Office will not attempt to separate the noted materials from the remainder of the application. See *In re Marsh Engineering Co.*, 1913 C.D. 183 (Comm'r Pat. 1913).

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*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-9, 20 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Flannagan et al.** (U.S. Patent 4,827,462) in view of **Mikamo** (U.S. Patent 5,630,115).

12. Regarding claim 2, **Flannagan et al.** teaches a method for emulating an erasable storage medium using a non-erasable optical disk wherein the optical disk includes a writing area formed by a spiral track substantially as claimed, the method comprising:

- a) writing a plurality of data files in the writing area, wherein a first data file is written from a first end of the spiral track, a second data file is written from the end of the first data file on the spiral track, and so on for remaining files (see col. 3, lines 46-52; see also col. 5, lines 53-63);
- b) generating a system sector for the data files, wherein the system sector identifies for each data file its location on the writable area and its size (see col. 7, lines 50-62; see also col. 11, line 49 through col. 12, line 62, and particularly col. 12, lines 27-35); and
- c) writing a system sector in the writable area wherein the system sector is written from the remaining end of the spiral track (see col. 5, lines 59-63, said directory being analogous to the claimed system sector).

**Flannagan et al.** additionally teaches that any additional system sectors are written from the end of the system of the sector on the spiral track (see col. 5, lines 59-63, said directory being analogous to the claimed system sector).

**Flannagan et al.** does not explicitly teach a method including the claimed provisions for handling changes to the data files stored on the writable area.

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**Mikamo**, however, teaches a method including the claimed provisions for handing changes to the data files stored on the writable area, including:

a) generating an updated system sector whenever there is a change in the data files stored on the writable area, wherein the updated system sector identifies only the changed data files, the unchanged data files being identified by the system sector (see diagrams of updated system sectors in Figures 3B, 6B and 11B; see also disclosure of the creation of new records OL1.REC1...OL1.RECn at col. 3, lines 6-25, and particularly lines 14-16); and

b) writing the updated system sector in the writable area (see col. 4, lines 31-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to handle changes made to the data files stored on the writable area of a WORM as claimed, since this technique would record only the portion of the new file information that differed from the corresponding portion of the old file, and also only add system sectors for those files that have changed, thus the data record region of the record medium can be utilized optimally (see col. 1, lines 63 through col. 2, line 7).

13. Regarding claim 20, **Flannagan et al.** teaches a write-only read-many (WORM) optical disk, comprising:

a) a writable area on the optical disk wherein the writable area is formed in a spiral track, the spiral track forming a data area starting at a first end of the spiral track and extending toward the remaining end and forming a system sector starting at the remaining end and extending towards the first end (see col. 3, lines 46-52; see also col. 5, lines 53-63), wherein the data area comprises a plurality of data files and the system sector

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identifies the location and size of the data files (see col. 7, lines 50-62; see also col. 11, line 49 through col. 12, line 62, and particularly col. 12, lines 27-35).

Flannagan et al. additionally teaches that any additional system sectors are written from the end of the system of the sector on the spiral track (see col. 5, lines 59-63, said directory being analogous to the claimed system sector).

Flannagan et al. does not explicitly teach a WORM optical disk including the claimed provisions for handling changes to the data files stored on the writable area.

Mikamo, however, teaches a WORM optical disk including the claimed provisions for handling changes to the data files stored on the writable area, the writable area including an updated system sector for accessing only updated files (see diagrams of updated system sectors in Figures 3B, 6B and 11B; see also disclosure of the creation of new records OL1.REC1...OL1.RECn at col. 3, lines 6-25, and particularly lines 14-16), the information for accessing the data files that were not updated being stored in the system sector (see col. 4, lines 31-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to handle changes made to the data files stored on the writable area of a WORM as claimed, since this technique would record only the portion of the new file information that differed from the corresponding portion of the old file, and also only add system sectors for those files that have changed, thus the data record region of the record medium can be utilized optimally (see col. 1, lines 63 through col. 2, line 7).



14. Regarding claim 3, **Flannagan et al.** additionally teaches a method wherein the change is an additional data file being written in the writable area, the additional data file being written from the end of the last data file on the spiral track, and wherein the updated system sector identifies the location and size of the additional data file (see col. 7, lines 50-62; see also col. 11, line 49 through col. 12, line 62, and particularly col. 12, lines 27-35; see also col. 5, lines 59-63, said directory being analogous to the claimed system sector).

15. Regarding claim 4, **Mikamo** additionally teaches a method wherein the change is a modified data file being written in the writable area, such that the modified data file replaces the contents of a given data file stored in the writable area (see Figure 4; see also col. 4, lines 31-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to handle changes made to the data files stored on the writable area of a WORM as claimed, since this technique would be capable of managing files that the user desires to update on a write only media, and also because such a capability would allow obsolete versions of the files to be recovered, since they could not be overwritten as would be possible when using conventional file systems.

16. Regarding claim 5, **Mikamo** additionally teaches a method wherein the change is an indication that a given data file stored in the writable area is to be considered deleted (see col. 7, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to handle deletions made to the data files stored on the writable area of a WORM as claimed, since this technique would the system to indicate that a file has been deleted, a capability that is impossible using a conventional file system on a write-once medium.

17. Regarding claim 6, **Flannagan et al.** additionally teaches a method wherein the writable area is contained within an annular area of the optical disk, the annular area having an inner diameter and an outer diameter, and wherein the first end of the spiral track is adjacent the outer diameter and the remaining end of the spiral track is adjacent the inner diameter (see Figure 2; see also col. 3, lines 30-59; see also col. 5, lines 13-38).

18. Regarding claims 7 and 24, **Flannagan et al.** additionally teaches a method and WORM optical disk wherein each system sector comprises a directory identification parameter that is used to determine when to terminate the process of reading the system sector(s) (see col. 7, lines 11-25 and 50-62, teaching the use of anchor weights that point to the actual space of the directories and the use of header segments in the directory and the allocation of space for the directory).

19. Regarding claims 8 and 25, **Flannagan et al.** additionally teaches a method and WORM optical disk wherein each system sector further comprises a file identification parameter that is used to determine when to terminate the process of reading the system sector(s) (see col. 10, lines 31-50, teaching the use of a file identifier in each index entry, as well as a relative sector along with the number of consecutive sectors that a file extent occupies, thus providing the information required to determine when to terminate the reading of the system sector(s)).

20. Regarding claims 9 and 26, Flannagan et al. additionally teaches a method and WORM optical disk wherein each system sector includes a data block number that indicates the next available writable location for a data file (see col. 19, lines 13-17; see also col. 26, lines 7-12, disclosing the use of field 185, 'last data', which stores the track address that was last used for storing data in the data area).

#### *Response to Arguments*

21. Applicant's arguments, see Remarks on pages 6-7 of the amendment, filed 8 March 2004, with respect to the rejection(s) of claim(s) 2-9, 20 and 24-26 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art Mikamo (U.S. Patent 5,630,115).

#### *Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miki et al. (U.S. Patent 5,040,110) teaches an information management system for writing optical discs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum  
Art Unit 2177

lsu  
11 May 2004